IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc 28929-M of 2007

Date of decision: 27.8.2007

Gurbachan Singh and anr …Petitioners

Versus

State of Punjab …Respondent

Present: Mr KK Bansal, Advocate for the petitioners.
Mr IPS Sidhu, Sr DAG Punjab.

S.S. SARON, J

Heard counsel for the parties.

The petitioners seek bail pending trial for the offences under Sections 420 and 120-B IPC. The FIR in the case has been registered on the complaint of Darshan Singh and Manjit Singh, residents of Bhathal against Gurbachan Singh (petitioner-1), Surjit Singh, Pal Kaur, Navneet Kaur and Bhola Singh (petitioner-2). It is alleged that the complainants have blind faith in the accused. One day Gurbachan Singh (petitioner-1), his relative – Surjit Singh, Bhola Singh (petitioner-2) and a girl namely Navneet Kaur, came to the house of the complainants. They represented that a team of girls was going abroad. If the complainant was interested for sending his relatives abroad then they could make arrangements of those boys with Navneet Kaur and her friends. However, the boys desirous of going abroad would have to bear the expenses. Both the complainants readily accepted the ofer on the assurance of the accused that they would charge Rs 1,50,000/- each towards initial expenses. The complainants were also asked

to deposit Rs 40,000/- each as security. Darshan Singh – complainant deposited Rs 35,000/- as security for his son and nephew. Manjit Singh – complainant deposited the said amount for his son. Both the complainants sold their land for Rs 1,40,000/- each for the purpose. However, despite carrying out various formalities, the complainants were cheated and their children were not sent abroad.

The petitioners in the case were arrested on 11.4.2007 and since then they are in custody. Their involvement in the commission of the offence is to be considered and gone into after evidence has been led.

Learned counsel for the petitioners has submitted that the petitioners are only middle-men in the deal and, therefore, no criminal liability can be fastened on them. It is submitted that the allegation against the petitioners is that Navneet Kaur was their relative. Besides, admittedly the petitioners got the sale deeds of the land registered in favour of the complainants in order to save their skin. These aspects however, are to be considered and gone into after trial. The trial being a Magisterial one, is likely to take time. Therefore, no useful purpose would be served in keeping the petitioners further imprisoned.

Accordingly, the petitioners, on their furnishing personal bond and surety each to the satisfaction of the trial Court, shall be admitted to bail.

27.8.2007. (S.S.SARON)
ASR JUDGE